

Matt Carnagie

From: David Lonier <davidlonier@gmail.com>
Sent: Friday, February 9, 2018 9:51 AM
To: Matt Carnagie
Subject: FW: Support HB 4158 - No seizure of property without a conviction

From: David Lonier [mailto:davidlonier@gmail.com]
Sent: Friday, February 9, 2018 9:39 AM
To: State Rep Jim Runestad; State Rep Lana Theis ; State Rep Tim Greimel ; State Rep Martin Howrylak ; State Rep Triston Cole ; State Rep Pamela Hornberger; State Rep Beau LaFave; State Rep Rose Mary Robinson ; State Rep Vanessa Guerra; State Rep Dem William Sowerby
Cc: Scott Tillman; John Zupanc; Lawrence Adell Sefa ; Jerry Flynn; Janice Daniels ; Pat & Steve Thomas ; Brian Wright ; Bob and Gina Brim; Don Ebben; Jim McMahan; Jim Tokarski; Lauren Burris ; Mark Hittle; Marlene Palicz; Paul Taros; Pete Hendrickson; Ronald Hoge; Shane Trejo ; Sue Helke; Dennis Curran; Senator Jones ; Senator Schultmaker ; Senator Steve Bieda ; Senator Rocca; Senator Emmons ; Sen Jim Marleau; Senator Arlan Meekhof; Dennis Marburger
Subject: Support HB 4158 - No seizure of property without a conviction

Dear Chairman Runestad, Vice Chair, Minority Vice Chair and members of the House Judiciary Committee,

This is a blatant instance of government enhancing its wealth and power by usurping of the rights of the people.

Please take time to read the **CAPCON** article below:

It tells of the fundamental flaw in exercising civil asset forfeiture...

Which is: "Seizing of property based on suspicion that a crime has been committed, without lawful authority"

Law enforcement belongs to the executive branch which has no authority to make judicial decisions.

This is none other than criminal theft and the perpetrator(s) should not be given a free pass.

To argue otherwise is word-twisting for monetary gain by usurpation of people's property, liberty and due process.

Even if all victims of this practice were guilty of criminal activity (which they are not), it still would not be right.

Without a judicial conviction everyone must always be considered innocent, or we no longer have rule of law.

When government abandons the principles upon which it was instituted, for the sake of raising revenue for itself and those who covet this revenue, have we not reached a stage of rule by brute force? Have we not ceased to ignore the Supreme Rule of Law, which is to secure the rights of the people from whom our servants' power is derived?

Several cities in Oakland County have passed ordinances prohibiting their law enforcement personnel from engaging in civil asset forfeiture seizures. It's time we abolish civil asset forfeiture statewide. Move HB 4158 to passage as soon as possible.

Respectfully submitted,

David Lonier
11th CD Majority Committee, Legislative Review Subcommittee
1842 Commonwealth
Auburn Hills, Michigan 48326
248-373-9111



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Debate Heated On Ending Police Keeping Seized Property With No Conviction

In Michigan, more than 500 people lost property in 2016 with no criminal charges

By [Evan Carter](#) | Feb. 6, 2018 | [Follow Evan Carter on Twitter](#)



State legislators are getting strong reactions on both sides over a bill to require prosecutors and police to get a conviction before they can keep money and property seized in connection with an alleged crime. Under current law, people can lose their property even if they are never prosecuted.

The House Judiciary Committee is holding a hearing Tuesday to consider [House Bill 4158](#), which may be the first bill in a broader package aimed at reforming Michigan's civil asset forfeiture law.

Civil asset forfeiture means transferring ownership of assets seized by police – typically, cash and vehicles – from citizens to the government, including the law enforcement agencies that execute the seizures.

In Michigan, a person does not have to be convicted, prosecuted, or even charged for civil asset forfeiture to take place. It is a legal process that happens after police seize property, either as part of an investigation or on suspicions that it may be the ill-gotten gains of an alleged crime.

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For example, in May 2016 the Michigan State Police seized \$2,035 from someone during a traffic stop, based on a suspicion that the man had just completed a drug transaction. The police searched his SUV and found no drugs or drug-related materials, but still seized the cash.

During 2016, one out of every 10 Michigan residents whose property was taken by law enforcement using civil asset forfeiture was never charged with a crime. Statewide, more than \$15.3 million in cash and other property was forfeited in 2016, according to a Michigan State Police report. Since 2000, the state has retained forfeited property worth \$20-\$25 million every year.

The bill under consideration this week is sponsored by Shelby Township Republican Peter Lucido, who said that he believes civil asset forfeiture is terrible “optically” and “morally” for law enforcement.

“If you don’t get this passed, if you don’t get the core passed, you don’t have substance to pass the other bills on,” Lucido said. “It’s going to bring a playing field that’s more just and fair for our constituents.”

The bill has some Democratic supporters.

Rep. Adam Zemke, D-Ann Arbor, believes requiring government to obtain a conviction before it keeps the property it has seized protects residents with lower incomes.

“Unfortunately with some this becomes a revenue issue. And I fundamentally believe that the reason you seize property is not to make money, but I don’t want to generalize,” Zemke said. “It disproportionately hits those with low income because they can’t fight these seizures.”

In many cases, the legal expenses of challenging a forfeiture are greater than the value of the seized property.

State law enforcement interests have come out strongly against the legislation. As with past reform proposals, the Michigan State Police has officially come out against the legislation. But according to spokesperson Shanon Banner, the department is willing to work with Lucido. Other law enforcement agencies from across the state are also opposing the bill.

If the measure advances all the way and is signed by Gov. Rick Snyder, Michigan will join 14 states (and the District of Columbia) in requiring a conviction before the government can keep the property of a person who may never have done anything wrong.

